BORA LASKIN LAW LIBRARY
31761 10634329 6

UNIVERSITY OF TORONTO
FACULTY OF LAW

Constitutional Law A

Professor L. Weinrib

Faculty of Law, University of Toronto

2019-20

Volume II

KE
4218.5
.W45
2019
v.2
c.1

BORA LASKIN LAW LIBRARY

AUG 15 2019

FACULTY OF LAW
UNIVERSITY OF TORONTO

UNIVERSITY OF TORONTO
FACULTY OF LAW

Constitutional Law A

Professor L. Weinrib

Faculty of Law, University of Toronto

2019-20

Volume II

Digitized by the Internet Archive
in 2023 with funding from
University of Toronto

https://archive.org/details/constitutionalla02wein_7

CANADIAN CONSTITUTIONAL LAW: THE CHARTER L. WEINRIB VOL II (2019-20)
CHARTER SECTIONS 3-5, 2(A) AND 2(B)

CHAPTER 7: DEMOCRATIC RIGHTS (CHARTER S.3-5)

Reference Re Provincial Electoral Boundaries (Sask.), [1991] 2 S.C.R. 158 1
Sauve v. Canada (Chief Electoral Officer), [1993] 2 S.C.R. 438 7
Note: *Figueroa v. Canada,* [2003] 1 S.C.R. 912 36

CHAPTER 8: FREEDOM OF CONSCIENCE AND RELIGION (CHARTER S.2(A))

A. Introduction

L Weinrib, "'Do Justice to Us' Jews and the Constitution of Canada 44
R. v. Big M Drug Mart, [1985] 1 S.C.R. 295 46
Syndicat Northcrest v. Amselem, [2004] 2 S.C.R. 551 47
Note: Freedom of Conscience 49

B. The Demise of the Informal Christian Establishment

i. Public Policy

L Weinrib, "'Do Justice to Us!' Jews and the Constitution of Canada 50
R. v. Big M Drug Mart, [1985] 1 S.C.R. 295 51
Note: *Edwards Books,* [1986] 2 S.C.R. 713 55
LWeinrib,"EnsuringEquality" ..... Quercus

ii. The Public School System Transformed by Charter Recognition of Religious/Moral Diversity

Note 56
Zylberberg v. Sudbury Board of Education, (1988) 52 D.L.R. 577 (Ont.C.A.) 56
Note: C.C.L.A. v. Minister of Education, (1990) 58

Note:

Ross v. New Brunswick School District No. 15, [1996] 1 S.C.R. 825 61
Trinity Western Univ v. B. C. College of Teachers, (2001) S.C.R. 31 62
Chamberlain v. Surrey School District No. 36, [2002] S.C.J. No. 87 62
Kempling v. B. College of Teachers, (2005) 255 D.L.R. (4th) 169 64
Multani v. Commission scolaire Marguerite-Bourgeoys, [2006] 1 S.C.R. 256 65
S.L. v Commission scolaire des Chenes, [2012] S.C.J. No. 7 70
Loyola High School v Quebec (Attorney General), 2015 SCC 12 76
Doré v. Barreau Du Québec, [2012] 1 SCR 395 79
Note: Mouvement Laïque Québécois v. Saguenay, 2015 SCC 16 82

iii. The Bifurcated Public School System: Arrangements for Diversity at Confederation *Note:*

Reference Re Bill 30, [1987] 1 S.C.R. 1148 and *Adler v. Ontario,* [1996] 3 S.C.R. 609…. 85
L Weinrib, "Funding for Faith-based Schools?", Law Times July, 2007
86
Note: Hall (Litigation guardian of) v. Powers, (2002) 87

C. Minority Religious Practices

B. (R.) v. Children's Aid Society, [1995] 1 S.C.R. 315) 88
Alberta v. Hutterian Brethren of Wilson Colony, [2009] S.C.J. No. 37 91
Syndicat Northcrest v. Amselem, [2004] 2 S.C.R. 551 98
Note: Exemptions from performing same-sex marriages 100
Reference re: Section 293 of the Criminal Code of Canada ("the *Polygamy Reference*") 2011 ..... Quercus

CHAPTER 9: FREEDOM OF EXPRESSION (CHARTER S.2(B))

A. Introduction

R. v. Keegstra, [1990] 3 S.C.R. 697 102

Notes:

The European Convention on Human Rights (1950), extract *106*

International Covenant on Civil and Political Rights (1966), extract *106*

Irwin Toy Ltd. v. Quebec (Attorney General), [1989] 1 S.C.R. 927 107

B. Hate Speech

R. v. Keegstra, [1990] 3 S.C.R. 697 109

Note on: R. v. Zundel, [1992] 2 S.C.R. 731 128

Saskatchewan (Human Rights Commission) v. Whatcott, 2013 SCC 130

C. Obscenity and Pornography

R. v. Butler, [1992] 1 S.C.R. 452 135

Little Sisters Book & Art Emporium v. Canada (Minister of Justice), [2000] 2 S.C.R. 1120 147

R. v. Sharpe, [2001] 1 S.C.R. 45, 2001 sec 2 161

Note: The Charter Reconstructs the Indecency Standard - *R v Labaye*, [2005] 3 SCR 728 and *R v Kouri*, [2005] 3 SCR 789, 2005 173

D. Political Expression

Native Women's Assn. of Canada v. Canada, [1994] 3 S.C.R. 627 174

Thomson Newspapers Co. v. Canada (Attorney General), [1998] 1 S.C.R. 877 177

Note: Ontario (Attorney General) v. Dieleman, [1994] OJ No 1864; 20 OR (3d) 229 191

R.W.D.S.U., Local 558 v. Pepsi-Cola, [2002] 1 SCR 156; 2002 SCC 8 193

E. Commercial Speech

Irwin Toy Ltd. v. Quebec (Attorney General), [1989] 1 S.C.R. 927 196

RJR -MacDonald Inc. v. Canada (Attorney General), [1995] 3 S.C.R. 199 204

Canada (Attorney General) v. JTI-Macdonald Corp, [2007], 2 S.C.R. 610 218

Ramsden v. Peterborough (City), 16 CRR (2d) 240; 15 OR (3d) 548 227

R. v. Guignard, [2002] 1 SCR 472; 2002 SCC 14 230